

AMENDED IN ASSEMBLY MAY 24, 2006

AMENDED IN ASSEMBLY MAY 3, 2006

AMENDED IN ASSEMBLY FEBRUARY 21, 2006

AMENDED IN ASSEMBLY JUNE 2, 2005

SENATE BILL

No. 638

Introduced by Senator Torlakson

*(Coauthors: Senators Alquist, Denham, Lowenthal, Romero,
Simitian, and Soto)*

(Coauthors: Assembly Members Goldberg, Hancock, and Pavley)

February 22, 2005

An act to amend Sections 8421, 8422, 8423, 8425, 8426, 8427, 8428, 8482.3, 8482.55, 8483, 8483.1, 8483.2, 8483.3, 8483.55, 8483.75, 8484, and 8484.8 of, to add Sections 8421.5 and 8482.4 to, and to repeal and amend Sections 8482.5 and 8483.7 of, the Education Code, relating to before and after school programs, making an appropriation therefor, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 638, as amended, Torlakson. Before and after school programs.

(1) Existing law, the 21st Century High School After School Safety and Enrichment for Teens program (ASSETs act), provides that the purpose of the program is to create incentives for establishing locally driven after school enrichment programs that partner schools and communities to provide academic support and safe, constructive alternatives for high school pupils in the hours after the regular schoolday. The ASSETs act, commencing with the 2006–07 fiscal year, requires a program to comply with the State Department of

Education's requirements for hours and days of program operation. Existing law requires an applicant for a grant to run a program pursuant to the ASSETs act to meet specified requirements.

This bill would provide that an additional purpose of the program is to assist pupils in passing the high school exit examination. The bill would require a program to operate for a minimum of 15 hours per week. The bill would revise the requirements that a grant applicant is required to meet.

The bill would require the department to provide notice to schools eligible for grants, as specified, and impose additional requirements on the department with respect to review of grant applications. The bill would require a specified committee to make recommendations to the department and the Legislature with respect to reporting requirements for high school programs operating pursuant to the ASSETs act, as specified. The bill would require the department to review the recommendations and present them to the State Board of Education, and would require the state board to adopt regulations for program evaluation and review, as specified.

(2) The ASSETs act imposes requirements for priority funding, and requires the department to consider specified criteria in awarding grants pursuant to the ASSETs act.

The bill would revise those priorities and criteria.

(3) The ASSETs act provides that a grantee that establishes a program pursuant to the ASSETs act is eligible to receive a ~~five-year~~ 5-year grant, subject to annual reporting and recertification as required by the department, for upfront payments of up to \$250,000 per year per program.

The bill, instead, would provide that a grantee that establishes a program is eligible for a ~~five-year~~ 5-year grant of up to \$250,000 per year per site in a program, subject to quarterly attendance reporting, as specified. The bill would impose additional requirements on the department and recipients, with respect to the grants.

(4) The ASSETs act requires a high school after school program established pursuant to the ASSETs act to submit to the department annual outcome-based data for evaluation, as specified.

The bill would revise and increase the data that is required.

(5) The bill would make additional, related changes to the ASSETs act.

(6) Existing law, the After School Education and Safety Program Act of 2002 (existing act), enacted by initiative statute, establishes the

After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The act provides a formula for determining an amount to be continuously appropriated from the General Fund to the State Department of Education for purposes of the program.

The existing act imposes requirements on applicants for grants made pursuant to the existing act, with respect to their applications and the programs receiving grants pursuant to the applications.

The bill would substantially revise those requirements.

The bill would require the department to review applications submitted pursuant to the existing act to determine whether specified requirements have been met, and would require the department to use specified formulas to determine the appropriate grant amount. The bill would impose requirements on the department with respect to timing of grants and grant notifications. The bill would require the department to provide notice to schools eligible for grants, as specified. *The bill would impose certain requirements relating to grant renewals.*

The bill would require a specified committee to submit to the department recommendations on reporting requirements, as specified, and would require the department to review the recommendations and present them to the state board, as specified. The bill would require the state board to adopt requirements for program evaluation and review, as specified.

(7) The existing act requires that grants made to public schools under the program for the 2003–04 fiscal year continue to be funded in each subsequent fiscal year at the 2003–04 fiscal year level before any other grants are funded under the act, if those schools continue to make application for the grants and are otherwise qualified under the act. The existing act imposes grant maximums for after school programs, as specified.

This bill, additionally, would give priority to recipients of grants made during the 2006–07 grant year under a specified provision of existing law that the bill would modify, relating to community learning centers, as specified. The bill would provide an exception to grant maximums, as specified, for a recipient of such a grant. The bill would increase grant maximums for after school programs, as specified.

(8) The existing act exempts the grants described in (6) above from a requirement that priority for funding under the act be given to schools where a minimum of 50% of the pupils in elementary schools and 50% of the pupils in middle and junior high schools are eligible for free or reduced cost meals through the school lunch program of the United States Department of Agriculture.

~~This bill would delete that exemption, and would require programs that qualify for that priority funding to be funded based on the maximum grants authorized, as specified.~~

(9) The existing act requires a before school component of a program to begin at or before 6:00 a.m. or 2 hours before the beginning of a regular schoolday, but authorizes a program to operate less than 2 hours, but no less than 1 ½ hours, per regular schoolday. The existing act provides that a school is not eligible to receive funds for a pupil who attends less than ½ of the daily program hours.

The bill would delete the requirement that a before school component of a program begin at or before 6:00 a.m. or 2 hours before the beginning ~~or~~ of a regular schoolday. The bill, instead of providing for that ineligibility in (9) above, would prohibit a pupil who attends less than ½ of the daily program hours from being counted for the purposes of attendance. The bill would require a before school component of a program to offer a breakfast meal, as specified.

(10) The existing act ~~require~~ *requires* a program electing to operate both a before and after school component of a program for the same pupils during specified periods to operate these programs for a minimum of 5 hours per day, as specified.

The bill would reduce that amount of time to 4 ½ hours per day.

(11) The existing act requires the department to consider specified criteria when selecting schools to participate in the program, as specified.

The bill would modify those criteria.

(12) The existing act provides a formula for determining an amount to be continuously appropriated from the General Fund to the department for purposes of the program. The existing act allows the department to spend 1 ½% of the appropriated funds to cover evaluation costs, to provide training and support, and to pay its costs of awarding and monitoring grants.

This bill would provide that, for the 2006–07 and 2007–08 fiscal years, 1.5% of the funds appropriated are to be made available to the department for purposes of providing technical assistance, evaluation,

and training services, and that, for the 2008–09 fiscal year and each fiscal year thereafter, up to 1.5% of those funds are to be made available to the department for those same purposes. The bill would require that the training and support provided by the department include, but not be limited to, the development and distribution of voluntary guidelines for physical activity programs, as specified. The bill would require the department to order an independent statewide evaluation of the programs funded pursuant to the existing act to be prepared and submitted to the Legislature and the Governor, as specified.

(13) The existing act requires that all funds remaining from the continuous appropriation after certain grants have been funded to be distributed as 3-year renewable incentive grants under certain provisions of existing law. The existing act provides that a school that receives one of those grants is subject to annual reporting and recertification as required by the department.

This bill would revise the funding formulas and maximums for the grants, and provide that a school is subject to quarterly attendance, rather than annual, reporting and recertification once every 3 years, as ~~required by the department~~ *provided*.

The bill would authorize and require the department to reduce grant amounts for reasons related to attendance, as specified, and authorize the department to terminate the grant for a site or program that does not comply with specified reporting requirements, fails to demonstrate measurable program outcomes, as specified, or has a specified attendance level. The bill would impose priority requirements for the grants and would revise matching fund requirements.

(14) The existing act provides that a school with a certain before school program is eligible for a 3-year renewable grant, that is subject to annual reporting. The existing act provides that the school receiving the grant may choose one of 2 funding formulas for the grant.

The bill would provide that a school is subject to quarterly attendance, rather than annual, reporting, and would revise the funding formulas and maximums for the grants. The bill would revising matching fund requirements.

(15) The existing act requires programs to submit annual outcome-based data for evaluation, as specified.

The bill would modify and specify the data required to be submitted. The bill would require the department to order a statewide independent evaluation of the programs funded pursuant to the

existing act to be prepared and submitted to the Legislature, as specified, and require the department to collect specified information.

(16) Existing law provides for the funding of specified community learning center programs.

This bill would revise the amounts required to be made available for those programs.

(17) The bill would make additional, related changes to the existing act.

(18) Because this bill would make money that is continuously appropriated specifically available for these new purposes, the bill would make an appropriation.

(19) The existing act authorizes the Legislature to amend certain of its provisions to further its purposes by majority vote of each house.

Certain other provisions of the existing act relating to funding priorities, as described in (7) and (8) above, may be amended by the Legislature only by a $\frac{2}{3}$ vote of each house and signed by the Governor if the amendment furthers the purposes of the act.

This bill would set forth a legislative finding and declaration that the proposed amendments further the purposes of the existing act.

(20) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8421 of the Education Code is amended
2 to read:

3 8421. There is hereby established the 21st Century High
4 School After School Safety and Enrichment for Teens program.
5 The purpose of the program is to create incentives for
6 establishing locally driven after school enrichment programs that
7 partner schools and communities to provide academic support
8 and safe, constructive alternatives for high school pupils in the
9 hours after the regular schoolday, and that may assist pupils in
10 passing the high school exit examination required for high school
11 graduation pursuant to Chapter 9 (commencing with Section
12 60850) of Part 33 for public school programs.

13 (a) High school after school programs shall serve pupils in
14 grades 9 to 12, inclusive.

1 (b) A high school after school program established pursuant to
2 this article shall consist of the following two elements:

3 (1) An academic assistance element that shall include, but
4 need not be limited to, at least one of the following: preparation
5 for the high school exit examination, tutoring, homework
6 assistance, or college preparation, including information about
7 the Cal Grant Program established pursuant to Article 3
8 (commencing with Section 69530) of Chapter 2 of Part 42. The
9 assistance shall be aligned with the regular academic programs of
10 the pupils.

11 (2) An educational enrichment activities element that may
12 include, but need not be limited to, community service, career
13 and technical education, job readiness, opportunities for
14 mentoring and tutoring younger pupils, service learning, arts,
15 computer and technology training, physical fitness, and
16 recreation activities.

17 (c) A program shall operate for a minimum of 15 hours per
18 week.

19 (d) An entity may operate programs on one or multiple sites. If
20 an entity plans to operate programs at multiple sites, only one
21 application is required.

22 (e) A program may operate on a schoolsite or on another site
23 approved by the department during the grant application process.
24 A program located off school grounds shall not be approved
25 unless both of the following criteria are met:

26 (1) Safe transportation is available to transport participating
27 pupils if necessary.

28 (2) The program is at least as available and accessible as
29 similar programs conducted on schoolsites.

30 (f) Applicants for grants pursuant to this article shall ensure
31 that all of the following requirements are fulfilled, if applicable:

32 (1) The application includes a description of the activities that
33 will be available for pupils and lists the program hours.

34 (2) The application includes an estimate of the following:

35 (A) The number of pupils expected to attend the program on a
36 regular basis.

37 (B) The average hours of attendance per pupil.

38 (C) The percentage of pupils expected to attend the program
39 less than three days a week, three days a week, and more than

1 three days a week, for each quarter or semester during the grant
2 period.

3 (3) The application documents the commitments of each
4 partner to operate a program at a location or locations that are
5 safe and accessible to participating pupils.

6 (4) The application certifies that pupils were involved in the
7 design of the program and describes the extent of that
8 involvement.

9 (5) The application identifies federal, state, and local programs
10 that will be combined or coordinated with the high school after
11 school program for the most effective use of public resources,
12 and describes a plan for implementing the high school after
13 school program beyond federal grant funding.

14 (6) The application has been approved by the school district
15 and the principal of each participating school for each schoolsite
16 or other site.

17 (7) The application includes a certification that the applicant
18 has complied with the requirement in subdivision (b) of Section
19 8422.

20 (8) The application includes a certification that each applicant
21 or partner in the application agrees to do all of the following:

22 (A) Assume responsibility for the quality of the program.

23 (B) Follow all fiscal reporting and auditing standards required
24 by the department.

25 (C) Provide information to the department for the purpose of
26 program evaluation pursuant to Section 8427.

27 (D) Acknowledge that program evaluations will be based upon
28 the criteria in Section 8427.

29 (9) Certify that the applicant has complied with all federal
30 requirements in preparing and submitting the application.

31 (g) The department shall not establish minimum attendance
32 requirements for individual pupils.

33 (h) It is the intent of the Legislature, that to the extent possible,
34 the department require applicants to submit the information
35 required by this section in a short and concise manner.

36 SEC. 2. Section 8421.5 is added to the Education Code, to
37 read:

38 8421.5. (a) (1) The department shall provide notice to all
39 schools eligible for grants under this article of the availability of
40 those grants as well as the application process.

1 (2) The department shall make the application available
2 though its Internet Web site. The department shall periodically
3 review the applications for funding on dates determined by the
4 department.

5 (b) The department shall review all applications for their
6 inclusion of the requirements of subdivision (f) of Section 8421
7 and Section 8423.

8 (c) (1) The Advisory Committee on Before and After School
9 Programs shall make recommendations to the department on
10 reporting requirements for high school programs operating
11 pursuant to this article for program evaluation and review
12 consistent with Section 8427 on or before than March 1, 2007.

13 (2) The Advisory Committee on Before and After School
14 Programs shall provide the Legislature a copy of these
15 recommendations on or before than March 1, 2007.

16 (3) The department shall review those recommendations and
17 present them to the state board on or before May 1, 2007.

18 (4) The state board shall adopt requirements for program
19 evaluation and review on or before August 1, 2007.

20 SEC. 3. Section 8422 of the Education Code is amended to
21 read:

22 8422. (a) Priority for funding pursuant to this article shall be
23 given to programs that:

24 (1) Serve pupils attending a school whose most recent score on
25 the Academic Performance Index ranks the school in the lowest
26 3 deciles.

27 (2) Previously received funding pursuant to Section 8421, with
28 expiring grants that have satisfactorily met their projected
29 attendance goals and other measures as required by the
30 department.

31 (b) A program established pursuant to this article shall be
32 planned through a collaborative process that includes parents,
33 pupils, representatives of participating schools, governmental
34 agencies, including city and county parks and recreation
35 departments, community organizations, law enforcement, and, if
36 appropriate, the private sector.

37 (c) A program established pursuant to this article is not
38 required to charge family fees or to conduct individual eligibility
39 determination based on need or income.

(d) A program established pursuant to this article shall have the option of operating under either of the following modes:

(1) After school only.

(2) After school and during any combination of before school, weekends, summer, intersession, and vacation.

SEC. 4. Section 8423 of the Education Code is amended to read:

8423. (a) The department shall select grantees to participate in the 21st Century High School After School Safety and Enrichment for Teens program from among applicants that apply on forms and in a manner prescribed by the department. To the extent possible, the selection of applicants by the department shall result in an equitable distribution of grant awards to applicants in northern, southern, and central California, and in urban, suburban, and rural areas of the state.

(b) The department shall consider the following criteria in awarding grants:

(1) Strength of the educational element and alignment with state academic standards, preparation for the high school exit ~~exam~~ examination, and other academic interventions.

(2) Strength of the enrichment element.

(3) Evidence of community collaboration, including demonstrated support of the principal and staff from participating schools.

(c) In awarding grants, the department shall certify that a program will contain the following criteria:

(1) A needs assessment of pupils' preferences for program activities, and a brief description on how these preferences will be periodically reexamined in order to maintain strong pupil interest in the program.

(2) Plans to attract pupils, particularly pupils considered at risk or in need of academic support, on a regular basis.

(3) Demonstrated capacity to administer a successful high school after school program.

(4) Availability of after school programs at elementary and middle schools attended by pupils from participating schools for purposes of continuity and linkages among programs.

(5) Access to and availability of computers and technology.

(6) Inclusion of a nutritional snack and a physical activity element.

1 (7) Capacity to respond to program evaluation requirements.

2 (8) Demonstrated fiscal accountability.

3 SEC. 5. Section 8425 of the Education Code is amended to
4 read:

5 8425. The department shall implement this program only to
6 the extent that federal funds are appropriated by the Legislature
7 for purposes of the program. It is the intent of the Legislature that
8 available federal funds be appropriated annually for the program
9 established pursuant to this article, through the annual Budget
10 Act.

11 (a) Of the funds appropriated for the program in the first year,
12 two hundred fifty thousand dollars (\$250,000) shall be allocated
13 to the department to conduct a three-year evaluation of the
14 programs established pursuant to this article and to make
15 recommendations for future program expansion. The
16 recommendations shall be provided to the state board and the
17 Legislature on or before July 1, 2007.

18 (b) The department may spend up to 3 percent of the funds
19 appropriated for purposes of this article to provide training by
20 qualified and experienced personnel, to convene regular meetings
21 among grantees, and to ensure quality program implementation
22 and sustainability, including unscheduled site visits.

23 SEC. 6. Section 8426 of the Education Code is amended to
24 read:

25 8426. (a) (1) A grantee that establishes a program pursuant
26 to this chapter is eligible to receive a five-year grant of up to two
27 hundred fifty thousand dollars (\$250,000) per year per site in a
28 program, subject to quarterly attendance reporting. Funding for a
29 grant shall be allocated in annual increments for a period of not
30 more than five years, contingent upon the availability and
31 appropriation of federal funds by the Legislature for those grants.

32 (2) The department shall notify new grantees of their award
33 status and dollar amount of the award, if any, in writing on or
34 before May 15 of each year in which new grants are awarded.

35 (3) A first-year grant award shall be made no later than 60
36 days after enactment of the annual Budget Act and any
37 authorizing legislation. A grant award for the second and
38 subsequent fiscal years shall be made no later than 30 days after
39 enactment of the annual Budget Act and any authorizing
40 legislation.

(b) (1) Not more than 15 percent of each annual grant amount may be used by a grantee for administrative costs. For purposes of this article, administrative costs shall include indirect costs. Indirect costs shall not exceed the lesser of the following:

(A) The grantee's indirect cost rate, as approved by the department for the appropriate fiscal year.

(B) Five percent of the state program funding received pursuant to this article.

(2) In addition to the funding allowed for administrative costs pursuant to paragraph (1), up to 15 percent of the first year's annual grant award for each core grant recipient may be utilized for startup costs.

(3) Funding made available pursuant to this subdivision shall not result in an increase in the total funding of a grantee above the approved grant amount.

(c) Grantees are subject to quarterly attendance reporting during each year of the grant.

(1) If actual pupil attendance is significantly below the proposed levels in any year of the grant, the department shall provide technical support for development of a program improvement plan for the grantee. If the actual attendance falls below 75 percent of the proposed attendance level at the end of the second year of the grant, the department may reduce funding for the grantee.

(2) The department shall adjust the grant level of any school in the program that is under its proposed attendance level by more than 15 percent in each of two consecutive years.

(3) In any year that the actual attendance level of a school within the program falls below 75 percent of the proposed attendance level, the department shall perform a review of the program and may adjust the grant level as the department deems appropriate.

(d) Notwithstanding any other provision of this section or any other provision of law, the department may at any time terminate the grant of a school in a public school program that fails in three consecutive years to meet either of the following requirements:

(1) Demonstrate program outcomes pursuant to Section 8427.

(2) Attain its proposed attendance levels.

(e) The department shall create a process to allow a grantee to voluntarily lower its annual grant amount if one or more sites are

1 unable to meet the proposed pupil attendance levels by the end of
2 the second year of the grant.

3 (f) (1) The administrator of a program may supplement, but
4 not supplant, existing funding for after school programs with
5 grant funds awarded pursuant to this article.

6 (2) In addition to administrative costs, a program participant
7 may expend up to the greater of 6 percent of its state funding or
8 seven thousand five hundred dollars (\$7,500) to collect outcome
9 data for evaluation and for reports to the State Department of
10 Education.

11 (3) All state funding awarded to a program pursuant to this
12 article that remains after subtracting the administrative costs,
13 startup costs, and outcome data costs authorized by subdivisions
14 (b) and (c) shall be allocated to the program site for direct
15 services to pupils.

16 (e)–

17 (g) When determining recertification after each grant year, the
18 department may consider whether a program is operating
19 consistent with the terms of its application, including whether the
20 number of pupils served on a regular basis is consistent with the
21 number estimated, and may consider the strength of any
22 justifications or future plans offered by the program to address
23 inconsistencies with the terms of the application. If the
24 department finds that a program is not operating consistent with
25 the terms of its application, the department may take appropriate
26 action, including denying recertification or reducing the level of
27 grant funding.

28 ~~SEC. 7. Section 8427 of the Education Code is amended to~~
29 ~~read:~~

30 ~~8427. (a) A high school after school program established~~
31 ~~pursuant to this article shall submit to the department annual~~
32 ~~outcome-based data for evaluation, including research-based~~
33 ~~indicators of program quality and measurable student outcomes~~
34 ~~including, but not limited to, academic performance, school~~
35 ~~attendance, positive behavioral changes, and, to the extent~~
36 ~~possible, performance on the high school exit examination and~~
37 ~~graduation rates.~~

38 ~~(b) (1) All programs are subject to quarterly attendance~~
39 ~~reporting. A program shall also submit annual regular schoolday~~

1 attendance data results for program participants to the
2 department.
3 (2) To demonstrate program effectiveness based upon
4 individual program focus, programs shall submit one or more of
5 the following academic measures annually:
6 (A) Program participant passage rates on the high school exit
7 examination and graduation rates, as applicable.
8 (B) Homework completion rates.
9 (C) Program participant test scores on the Standardized
10 Testing and Reporting (STAR) test as applicable.
11 (D) Pupil or teacher reported academic progress.
12 (3) To demonstrate program effectiveness based upon
13 individual program focus, programs shall submit one or more of
14 the following youth resiliency measures annually:
15 (A) Positive behavioral changes, including, but not limited to,
16 participant suspension rates.
17 (B) California Healthy Kids Survey results.
18 (C) Pupil reported sense of safety and attitudes about school,
19 consistent with the federal annual performance reporting.
20 (D) Fitnessgram test results, as applicable.
21 (4) Programs shall submit information required through the
22 process outlined in subdivision (c) Section 8421.5.
23 (5) Programs shall select indicators and outcomes pursuant to
24 this subdivision at the beginning of the grant period and shall
25 submit information on the same selected indicators and outcomes
26 annually for three consecutive years to support program
27 evaluation by the department. At the department's discretion,
28 programs may request to submit different or additional indicators
29 and outcomes after three consecutive years.
30 (e) A program also shall report all of the following annually:
31 (1) The number of pupils served on a regular basis and the
32 extent of pupil participation.
33 (2) The average hours of attendance per pupil.
34 (3) The percentage of pupils that attend the program less than
35 three days a week, three days a week, and more than three days a
36 week.
37 (4) The extent to which the program attracts pupils considered
38 at risk or in need of academic support.
39 (d) (1) If a program consistently fails to demonstrate
40 measurable program outcomes for three consecutive years, the

1 department may terminate the program pursuant to the process in
2 subdivision (e) of Section 8426.

3 (2) ~~For the purposes of this subdivision, “consistently fails to~~
4 ~~demonstrate measurable program outcomes” means failure to~~
5 ~~meet program effectiveness requirements pursuant to the criteria~~
6 ~~in paragraphs (2) and (3) of subdivision (b).~~

7 (3) ~~Measurable program outcomes may be demonstrated by~~
8 ~~the following methods:~~

9 (A) ~~Comparing pupils participating in the program to~~
10 ~~nonparticipating pupils at the same schoolsite.~~

11 (B) ~~Pupils participating in the program demonstrate~~
12 ~~improvement on one or more indicators collected by the program~~
13 ~~pursuant to this section.~~

14 (e) ~~The department shall develop and disseminate standardized~~
15 ~~tools to collect the indicators in paragraphs (2) and (3) of~~
16 ~~subdivision (b).~~

17 *SEC. 7. Section 8427 of the Education Code is amended to*
18 *read:*

19 8427. (a) A high school after school program established
20 pursuant to this article shall submit to the ~~State Department of~~
21 ~~Education~~ *department* annual outcome-based data for evaluation,
22 including research-based indicators ~~of program quality and~~
23 ~~outcome measures and measurable pupil outcomes~~ including, but
24 not limited to, academic performance, ~~performance on the high~~
25 ~~school exit examination, graduation rates to the extent possible,~~
26 school attendance, ~~and~~ positive behavioral changes, *and, to the*
27 *extent possible, performance on the high school exit examination*
28 *and graduation rates.*

29 (1) *To demonstrate program effectiveness, grantees shall*
30 *submit all of the following:*

31 (A) *Schoolday attendance on an annual basis.*

32 (B) *Program attendance.*

33 (2) *To demonstrate program effectiveness based upon*
34 *individual program focus, programs shall submit one or more of*
35 *the following measures annually:*

36 (A) *Positive behavioral changes, including, but not limited to,*
37 *participant suspension rates.*

38 (B) *California Healthy Kids Survey results.*

39 (C) *Pupil reported sense of safety and attitudes about school,*
40 *consistent with the federal annual performance reporting.*

1 (D) *Fitnessgram test results.*

2 (E) *Pupil performance on the high school exit examination*
3 *and graduation rates.*

4 (F) *Pupil Standardized Testing and Reporting (STAR)*
5 *Program test scores.*

6 (G) *Homework completion rates.*

7 (H) *Pupil or teacher reported academic progress.*

8 (I) *Other measures developed through the process identified in*
9 *subdivision (c).*

10 (3) *Programs shall submit information adopted through the*
11 *process outlined in subdivision (c) of Section 8421.5.*

12 (b) (1) *If a program consistently fails to demonstrate*
13 *measurable program outcomes for three consecutive years, the*
14 *department may terminate the program pursuant to the process*
15 *in subdivision (e) of Section 8426. The department shall consider*
16 *multiple outcomes and not rely on one outcome in isolation.*

17 (2) *For purposes of this subdivision, “consistently fails to*
18 *demonstrate measurable program outcomes” means failure to*
19 *meet program effectiveness requirements pursuant to the criteria*
20 *in paragraphs (1) and (2) of subdivision (a).*

21 (3) *Measurable program outcomes may be demonstrated by,*
22 *but are not limited to, the following methods:*

23 (A) *Comparing pupils participating in the program to*
24 *nonparticipating pupils at the same schoolsite.*

25 (B) *Pupils participating in the program demonstrate*
26 *improvement on one or more indicators collected by the program*
27 *pursuant to this section.*

28 (c) *The department shall develop standardized measures and*
29 *tools to collect the indicators in paragraphs (1) and (2) of*
30 *subdivision (a). The department shall consult with the evaluation*
31 *committee of the Advisory Committee on Before and After School*
32 *Programs established pursuant to subdivision (e) of Section 8484*
33 *to give input on the standardized measures and tools.*

34 ~~(b) A program shall also submit annual attendance data results~~
35 ~~to the State Department of Education to facilitate evaluation and~~
36 ~~compliance with the grant program requirements, as established~~
37 ~~by the department.~~

38 ~~(c) A program also shall report all of the following, at a~~
39 ~~minimum, three times annually:~~

1 ~~(1) The number of pupils served on a regular basis and the~~
2 ~~extent of pupil participation.~~

3 ~~(2) The average hours of attendance per pupil.~~

4 ~~(3) The percentage of pupils that attend the program less than~~
5 ~~three days a week, three days a week, and more than three days a~~
6 ~~week.~~

7 ~~(4) The extent to which the program attracts pupils considered~~
8 ~~at risk or in need of academic support.~~

9 SEC. 8. Section 8428 of the Education Code is amended to
10 read:

11 8428. (a) The department shall order an independent
12 statewide evaluation of the effectiveness of programs funded
13 pursuant to this article to be prepared and submitted to the
14 Legislature. The evaluation shall include a comparison of
15 outcomes for participating pupils and similarly situated pupils
16 who did not participate in a program. In selecting an independent
17 contractor for this evaluation, the department shall consult the
18 evaluation committee created pursuant to subdivision (e) of
19 Section 8484.~~A~~

20 (b) A report shall be submitted to the Governor and the
21 Legislature on or before October 1, 2011, providing data that
22 includes, but is not limited to, all of the following:

23 (1) Data collected pursuant to Section 8427.

24 (2) Data adopted through the process outlined in subdivision
25 (c) of Section 8421.5 and subdivision (e) of Section 8484.

26 (3) Number and type of sites and grantees participating in the
27 program.

28 (4) Pupil program attendance, as reported quarterly, and pupil
29 school day attendance, as reported annually.

30 (5) Pupil program participation rates.

31 (6) Quality of the program, drawing on the research of the
32 Academy of Sciences on critical features of programs that
33 support healthy youth development.

34 SEC. 9. Section 8482.3 of the Education Code is amended to
35 read:

36 8482.3. (a) The After School Education and Safety Program
37 shall be established to serve pupils in kindergarten and grades 1
38 to 9, inclusive, at participating public elementary, middle, junior
39 high, and charter schools.

1 (b) A program may operate a before school component of a
2 program, an after school component, or both the before and after
3 school components of a program, on one or multiple schoolsites.
4 If a program operates at multiple schoolsites, only one
5 application shall be required for its establishment.

6 (c) Each component of a program established pursuant to this
7 article shall consist of the following two elements:

8 (1) An educational and literacy component element in which
9 tutoring or homework assistance is provided in one or more of
10 the following areas: language arts, mathematics, history and
11 social science, computer training, or science.

12 (2) An educational enrichment element, that may include, but
13 need not be limited to, fine arts, career technical education,
14 recreation, physical fitness, and prevention activities.

15 (d) Applicants shall agree that snacks made available through
16 a program shall conform to the nutrition standards in Article 2.5
17 (commencing with Section 49430) of Chapter 9 of Part 27.

18 (e) Applicants for programs established pursuant to this article
19 may include any of the following:

20 (1) A local educational agency, including, but not limited to, a
21 charter school.

22 (2) A city, county, or nonprofit organization in partnership
23 with, and with the approval of, a local educational agency or
24 agencies.

25 (f) Applicants for grants pursuant to this article shall ensure
26 that each of the following requirements is fulfilled, if applicable:

27 (1) The application documents the commitments of each
28 partner to operate a program on that site or sites.

29 (2) The application has been approved by the school district
30 and the principal of each participating school for each schoolsite
31 or other site.

32 (3) Each partner in the application agrees to share
33 responsibility for the quality of the program.

34 (4) The application designates the public agency or local
35 educational agency partner to act as the fiscal agent. For purposes
36 of this section, “public agency” means only a county board of
37 supervisors or if the city is incorporated or has a charter, a city
38 council.

39 (5) Applicants agree to follow all fiscal reporting and auditing
40 standards required by the department.

1 (6) Applicants agree to incorporate into the program both of
2 the elements required pursuant to subdivision (c).

3 (7) Applicants agree to provide information to the department
4 for the purpose of program evaluation pursuant to Section
5 8483.55.

6 (8) Applicants shall certify that program evaluations will be
7 based upon Section 8483.55 and upon any requirements
8 recommended by the Advisory Committee on Before and After
9 School Programs and adopted by the state board, in compliance
10 with Section 8421.5.

11 (9) The application states the targeted number of pupils to be
12 served by the program.

13 (g) *(1) Grantees shall be subject to a grant renewal process*
14 *every three years. Grant awards shall be automatically renewed*
15 *at the three years in which the grantee shall provide all of the*
16 *following:*

17 *(A) Program goals. A grantee may specify any new program*
18 *goals that will apply to the following three years during the grant*
19 *renewal process.*

20 *(B) Program content, including the elements identified in*
21 *subdivision (c).*

22 *(C) Outcome measures selected from those identified in*
23 *subdivision (a) of Section 8484 that the grantee will use for the*
24 *next three years.*

25 *(D) The department may request additional information from*
26 *a grantee who receives a qualified program assessment as*
27 *outlined in paragraph (2).*

28 *(2) The department is required to provide the grantee with a*
29 *program performance assessment based on available data*
30 *collected by the department at least 30 days prior to the required*
31 *deadline for renewal submissions. The department shall indicate*
32 *whether the grantee is meeting program goals according to the*
33 *measures submitted by the grantee from those identified in*
34 *Section 8484 or whether the program has received a qualified*
35 *assessment. For purposes of this subdivision, "qualified*
36 *assessment" means that a program is not meeting one or more of*
37 *the selected evaluation measures.*

38 *(3) Any program that has not received a qualified assessment*
39 *and that the department has not completed the renewal process*

1 *by April 15 of the year in which the renewal is due, shall be*
2 *automatically renewed for three years.*

3 *(4) Any program that receives a qualified assessment and has*
4 *provided the department, by March 15 of the renewal year, with*
5 *any additional information requested by the department and for*
6 *which the department has not completed the renewal process by*
7 *May 15 of the year in which the renewal is due, shall be*
8 *automatically renewed for three years.*

9 *(h) Grant awards shall be automatically renewed at the same*
10 *level, unless adjusted or terminated pursuant to Section 8426 or*
11 *8483.7, or discontinued or reduced upon the request of the*
12 *grantee.*

13 SEC. 10. Section 8482.4 is added to the Education Code, to
14 read:

15 8482.4. (a) The department shall review applications
16 submitted under this article to determine whether the applicable
17 requirements in subdivision (f) of Section 8482.3 have been
18 fulfilled.

19 (b) The department shall use the per-pupil formulas
20 established pursuant to subparagraph (C) of paragraph (1) of
21 subdivision (a) of Section 8483.7 and the targeted number of
22 pupils to be served, as established pursuant to paragraph (9) of
23 subdivision (f) of Section 8482.3, to determine the appropriate
24 grant amount.

25 (c) A grantee that establishes a program pursuant to this
26 chapter is eligible to receive a three-year renewable grant subject
27 to quarterly reporting. Funding for a grant shall be allocated in
28 annual increments for a period of not more than three years,
29 contingent upon the availability of funds for those grants
30 pursuant to Section 8483.5.

31 (d) The department shall notify new grantees of their award
32 status and dollar amount of the award, if any, in writing on or
33 before June 15 of each year in which new grants are awarded.

34 (e) A first-year grant award shall be made no later than 60
35 days after enactment of the annual Budget Act and any
36 authorizing legislation. A grant award for the second and
37 subsequent fiscal years shall be made no later than 30 days after
38 enactment of the annual Budget Act and any authorizing
39 legislation.

1 (f) The department shall allocate the first-year grant amount
2 no later than 30 days after the grantee submits the grant award
3 acceptance letter to the department. For the second and
4 subsequent years of the grant, the department shall allocate the
5 annual grant amount for that year no later than 30 days after the
6 annual Budget Act becomes effective.

7 (g) The Advisory Committee on Before and After School
8 Programs shall make recommendations on reporting
9 requirements for program evaluation and review consistent with
10 subdivision (b) of Section 8483.55 to the department on or before
11 June 30, 2007. The department shall review the committee's
12 recommendations and present them, along with the department's
13 recommendations, to the state board on or before September 30,
14 2007. The state board shall adopt requirements for program
15 evaluation and review on or before November 30, 2007.

16 (h) (1) The department shall provide notice to all schools
17 eligible for grants pursuant to this article regarding the
18 availability of those grants and the application process.

19 (2) The department shall make the application available
20 ~~though~~ *through* its Internet Web site. The department shall
21 determine the dates by which applications will be periodically
22 considered for funding.

23 SEC. 11. Section 8482.5 of the Education Code, as amended
24 by Section 2.6 of Chapter 320 of the Statutes of 1998, is
25 repealed.

26 SEC. 12. Section 8482.5 of the Education Code, as amended
27 by Section 2.5 of Chapter 320 of the Statutes of 1998, is
28 repealed.

29 SEC. 13. Section 8482.5 of the Education Code, as amended
30 by Section 7 of Proposition 49, is amended to read:

31 ~~8482.5. (a) Notwithstanding subdivision (e) of Section~~
32 ~~8482.55, priority~~ *Priority* for funding programs established
33 pursuant to this article shall be given to schools where a
34 minimum of 50 percent of the pupils in elementary schools and
35 50 percent of the pupils in middle and junior high schools are
36 eligible for free or reduced cost meals through the school lunch
37 program of the United States Department of Agriculture.
38 ~~Programs that qualify for funding pursuant to this subdivision~~
39 ~~shall be funded based on the maximum grants authorized~~
40 ~~pursuant to Section 8483.7.~~

(b) Every program established pursuant to this article shall be planned through a collaborative process that includes parents, youth, and representatives of participating public schools, governmental agencies, such as city and county parks and recreation departments, local law enforcement, community organizations, and the private sector.

SEC. 14. Section 8482.55 of the Education Code is amended to read:

8482.55. (a) To accomplish the purposes of the After School Education and Safety Program, commencing with the fiscal year beginning July 1, 2004, and for each fiscal year thereafter, all grants made pursuant to this article shall be awarded as set forth in this section.

(b) (1) Grants made to public schools pursuant to this article for the 2003–04 fiscal year shall continue to be funded in each subsequent fiscal year at the 2003–04 fiscal year level before any other grants are funded under this article, provided those schools continue to make application for the grants and are otherwise qualified pursuant to this article. Receipt of a grant at the 2003–04 fiscal year level made pursuant to this subdivision shall not affect a school’s eligibility for additional grant funding as permitted in subdivisions (c) and (d) up to the maximum grants permitted in Sections 8483.7 and 8483.75.

~~(2) A grantee funded pursuant to subdivision (d) of Section 8484.8 may apply for a grant pursuant to this article to fund a program that is funded pursuant to Section 8484.8 during the 2006–2007 grant year. That application shall be funded before~~

(2) (A) *A grantee funded pursuant to Section 8484.8 shall be permitted, instead, to elect to receive funding under this article in the 2006–07 fiscal year before any new grant is funded pursuant to this article, if the program is otherwise qualified pursuant to this article. The Notwithstanding the maximum grant amounts permitted in Sections 8483.7 and 8483.75, the grantee shall receive the same amount of grant funding that it received pursuant to Section 8484.8 in the fiscal year prior to the year for which the applicant grantee requests funding pursuant to this article. Receipt of a grant pursuant to this paragraph does not affect a school’s eligibility for additional grant funding as permitted in subdivisions (c) and (d), up to the maximum grants permitted in Sections 8483.7 and 8483.75. The grantee shall*

1 *apply to the department, and elect to receive funding under this*
2 *article, on or before a date established by the department that is*
3 *prior to the date by which the department awards new grants*
4 *pursuant to this article.*

5 *(B) Grantees funded pursuant to Section 8484.8 in the*
6 *2005–06 fiscal year may elect to receive funding pursuant to this*
7 *article after the 2006–07 fiscal year and shall be funded under*
8 *the conditions outlined in subparagraph (A), if funds are*
9 *available.*

10 (3) (A) Sites funded concurrently pursuant to subdivision (d)
11 of ~~Sections~~ Section 8484.8 and this article in the ~~2006–2007~~
12 ~~2005–06~~ grant year are an exception to the grant maximums in
13 Section 8483.7. Maximums for sites that receive priority
14 pursuant to both paragraphs (1) and (2) shall be determined by
15 the number of pupils attending ~~the concurrent program~~ *both*
16 *programs* in the fiscal year prior to the year for which the
17 applicant requests funding for a program pursuant to Section
18 8484.8 multiplied by per pupil formulas pursuant to Section
19 8483.7.

20 (B) In order to qualify for priority pursuant to paragraph (2),
21 the grantee shall notify the department for funding pursuant to
22 paragraph (2) on or before a date established by the department
23 that is prior to the date by which the department awards new
24 grants pursuant to this article.

25 (c) Each public elementary, middle, and junior high school in
26 the state shall be eligible to receive a three year renewable direct
27 grant for after school programs to be operated during the regular
28 school year, as provided in subparagraph (A) of paragraph (1) of
29 subdivision (a) of Section 8483.7. Except as provided in this
30 subdivision, grants for after school programs made pursuant to
31 this subdivision shall be subject to all other sections of this
32 article. Grants for after school programs made pursuant to this
33 subdivision shall not exceed ~~seventy-five thousand dollars~~
34 ~~(\$75,000)~~ *one hundred twelve thousand five hundred dollars*
35 *(\$112,500)* for each regular school year for each elementary
36 school or ~~one hundred twelve thousand dollars (\$112,000)~~ *one*
37 *hundred fifty thousand dollars (\$150,000)* for each regular school
38 year for each middle or junior high school. Except as provided in
39 subdivision (f) *of this section* and subdivision (a) of Section
40 8482.5, each public elementary, middle, and junior high school in

1 the state shall have equal priority of funding for grants for after
2 school programs made pursuant to this subdivision. Receipt of a
3 grant for an after school program made pursuant to this
4 subdivision shall not affect a school's eligibility for additional
5 grant funding as permitted in subdivision (d) up to the maximum
6 grants permitted in Sections 8483.7 and 8483.75. Grants made
7 pursuant to this subdivision shall be funded after grants made
8 pursuant to subdivision (b) and before any grants made pursuant
9 to subdivision (d). Grants made pursuant to this subdivision shall
10 be referred to as "After School Education and Safety Universal
11 Grants."

12 (d) All funds remaining from the appropriation provided in
13 Section 8483.5 after award of grants pursuant to subdivisions (b)
14 and (c) shall be distributed pursuant to Sections 8483.7 and
15 8483.75. Grants for programs made pursuant to this subdivision
16 shall be subject to all other sections of this article. Priority for
17 grants for programs made pursuant to this subdivision shall be
18 established pursuant to subdivision (a) of Section 8482.5 and
19 Section 8483.3.

20 (e) A school shall not receive grants in excess of the amounts
21 provided in Sections 8483.7 and 8483.75.

22 (f) If in any fiscal year the appropriation made pursuant to
23 Section 8483.5 is insufficient to fund all eligible schools who
24 submit an eligible application for After School Education and
25 Safety Universal Grants pursuant to subdivision (c), priority for
26 After School Education and Safety Universal Grants shall be
27 established pursuant to subdivision (a) of Section 8482.5 and
28 Section 8483.3.

29 SEC. 15. Section 8483 of the Education Code is amended to
30 read:

31 8483. (a) (1) Every after school component of a program
32 established pursuant to this article shall commence immediately
33 upon the conclusion of the regular schoolday, and operate a
34 minimum of 15 hours per week, and at least until 6 p.m. on every
35 regular schoolday. Every after school component of the program
36 shall establish a policy regarding reasonable early daily release of
37 pupils from the program. For those programs or schoolsites
38 operating in a community where the early release policy does not
39 meet the unique needs of that community or school, or both,

1 documented evidence may be submitted to the department for an
2 exception and a request for approval of an alternative plan.

3 (2) It is the intent of the Legislature that elementary school
4 pupils participate in the full day of the program every day during
5 which pupils participate and that pupils in middle school or
6 junior high school attend a minimum of nine hours a week and
7 three days a week to accomplish program goals.

8 (3) In order to develop an age-appropriate after school
9 program for pupils in middle school or junior high school,
10 programs established pursuant to this article may implement a
11 flexible attendance schedule for those pupils. Priority for
12 enrollment of pupils in middle school or junior high school shall
13 be given to pupils who attend daily.

14 (b) The administrators of a program established pursuant to
15 this article have the option of operating during any combination
16 of summer, intersession, or vacation periods for a minimum of
17 three hours per day for the regular school year pursuant to
18 Section 8483.7.

19 SEC. 16. Section 8483.1 of the Education Code is amended to
20 read:

21 8483.1. (a) (1) Every before school program component
22 established pursuant to this article shall in no instance operate for
23 less than one and one-half hours per regular schoolday. Every
24 program shall establish a policy regarding reasonable late daily
25 arrival of pupils to the program.

26 (2) (A) It is the intent of the Legislature that elementary
27 school pupils participate in the full day of the program every day
28 during which pupils participate and that pupils in middle school
29 or junior high school attend a minimum of six hours a week or
30 three days a week to accomplish program goals, except when
31 arriving late in accordance with the late arrival policy described
32 in paragraph (1) or as reasonably necessary.

33 (B) A pupil who attends less than one-half of the daily
34 program hours shall not be counted for the purposes of
35 attendance.

36 (3) In order to develop an age-appropriate before school
37 program for pupils in middle school or junior high school,
38 programs established pursuant to this article may implement a
39 flexible attendance schedule for those pupils. Priority for

1 enrollment of pupils in middle school or junior high school shall
2 be given to pupils who attend daily.

3 (b) The administrators of a before school program established
4 pursuant to this article shall have the option of operating during
5 any combination of summer, intersession, or vacation periods for
6 a minimum of two hours per day for the regular school year
7 pursuant to Section 8483.75.

8 (c) Every before school program component established
9 pursuant to this article shall offer a breakfast meal as described
10 by Section 49553 for all program participants.

11 SEC. 17. Section 8483.2 of the Education Code is amended to
12 read:

13 8483.2. Notwithstanding any other provision of this article,
14 any program electing to operate both a before and after school
15 component for the same pupils during summer, intersession, or
16 vacation periods must operate these programs a minimum of four
17 and one-half hours per day.

18 SEC. 18. Section 8483.3 of ~~the Education~~ *the Education*
19 Code, as amended by Section 2 of Chapter 353 of the Statutes of
20 2005, is amended to read:

21 8483.3. (a) The department shall select applicants to
22 participate in the program established pursuant to this article
23 from among applicants that apply on forms and in a manner
24 prescribed by the department. It is the intent of the Legislature
25 that the manner prescribed by the department, to the extent
26 possible, allow for short and concise applicant responses. To the
27 extent possible, the selection of applicants by the department
28 shall result in an equitable distribution of grant awards pursuant
29 to Section 8483.7 to applicants in northern, southern, and central
30 California, and in urban, suburban, and rural areas of California.

31 (b) The department shall consider the following in selecting
32 schools to participate in, and for recertification of, the program
33 established pursuant to this article:

34 (1) Strength of the educational element.

35 (2) Quality of the educational enrichment element.

36 (3) Strength of staff training and development element.

37 (4) Capacity to facilitate better integration with the regular
38 schoolday and other extended learning opportunities. These
39 opportunities may include arts, career technical education,
40 recreation, computer use, and other activities to broaden the

pupil's learning experience. Notwithstanding any other provision of this article, the majority of the time of participation by a pupil who is in kindergarten or any of grades 1 to 8, inclusive, in a career technical education component of a program shall physically take place at a schoolsite described in subdivision (a) of Section 8482.3.

(c) The department shall certify that a program will contain the following criteria in awarding grants:

(1) Community collaboration, including demonstrated support of the schoolsite principal and staff.

(2) Inclusion of a nutritional snack.

(3) Employment of CalWORKs recipients.

(4) Level and type of local matching funds.

(5) Capacity to respond to program evaluation requirements.

(6) Demonstrated fiscal accountability.

(7) Any other application requirements pursuant to this article.

SEC. 19. Section 8483.55 of the Education Code is amended to read:

8483.55. (a) From the funds appropriated pursuant to subdivision (b) of Section 8483.5, the department may spend one and one-half percent to cover evaluation costs and to provide training and support to ensure quality program implementation, development, and sustainability and may pay its costs of awarding and monitoring grants.

(1) For the 2006–07 and 2007–08 fiscal years, 1.5 percent of the funds appropriated pursuant to this article shall be available to the department for purposes of providing technical assistance, evaluation, and training services. For the 2008–09 fiscal year and each fiscal year thereafter, up to 1.5 percent of the funds appropriated pursuant to this article shall be available to the department for purposes of providing technical assistance, evaluation, and training services.

(A) The department shall provide directly, or contract for, technical assistance for new programs and any program that is not meeting attendance or performance goals, or both, and requests that assistance.

~~(1)~~

(B) (i) Training and support shall include, but is not limited to, the development and distribution of voluntary guidelines for physical activity programs established pursuant to paragraph (2)

1 of subdivision (c) of Section 8482.3, that expand the learning
2 opportunities of the schoolday.

3 ~~(2)–~~

4 (ii) The department shall distribute these voluntary guidelines
5 for physical activity programs on or before July 1, 2009.

6 (b) The department shall order an independent statewide
7 evaluation of the effectiveness of programs funded pursuant to
8 this article to be prepared and submitted to the Legislature. The
9 evaluation shall include a comparison of outcomes for
10 participating pupils and similarly situated pupils who did not
11 participate in a program. In selecting an independent contractor
12 for this evaluation, the department shall consult the evaluation
13 committee created pursuant to subdivision (e) of Section 8484. A
14 report shall be submitted to the Governor and the Legislature on
15 or before October 1, 2011, providing data that includes, but is not
16 limited to, all of the following:

17 (1) Data collected pursuant to Section 8484.

18 (2) Data adopted through the process outlined in subdivision
19 (c) of Sections 8421.5 and 8484.

20 (3) Number and type of sites and grantees participating in the
21 program.

22 (4) Pupil program attendance, as reported quarterly, and pupil
23 schoolday attendance, as reported annually.

24 (5) Pupil program participation rates.

25 (6) Quality of program drawing on the research of the
26 Academy of Sciences on critical features of programs that
27 support healthy youth development.

28 (7) The participation rates of local educational agencies.

29 (8) Local partnerships.

30 (9) The academic performance of participating pupils in
31 English language arts and mathematics, as measured by the
32 results of the Standardized Testing and Reporting (STAR)
33 Program established pursuant to Section 60640.

34 (c) A final report shall be submitted to the Governor and the
35 Legislature on or before October 1, 2011. The final report shall
36 include, but not be limited to, all of the following:

37 (1) Updated data on the measures specified in subdivision (b),
38 including, but not limited to, changes in those measures.

39 (2) The prevalence and frequency of activities included in
40 funded programs.

1 SEC. 20. Section 8483.7 of the Education Code, as added by
2 Section 2 of Chapter 318 of the Statutes of 1998, is repealed.

3 SEC. 21. Section 8483.7 of the Education Code, as added by
4 Section 2 of Chapter 319 of the Statutes of 1998, is repealed.

5 SEC. 22. Section 8483.7 of ~~the Education~~ *the Education*
6 Code, as amended by Section 4 of Chapter 553 of the Statutes of
7 2005, is amended to read:

8 8483.7. (a) (1) (A) Each school that establishes a program
9 pursuant to this article is eligible to receive a three-year
10 renewable direct grant, that shall be awarded in three one-year
11 increments and is subject to quarterly attendance reporting and
12 recertification *as described in Section 8482.3* once every three
13 years ~~as required by the department~~.

14 (i) Grantees are subject to quarterly attendance reporting and
15 recertification once every three years as required by the
16 department. If actual pupil attendance falls below 75 percent of
17 the target attendance level in any year of the grant, the
18 department shall provide technical support for development of a
19 program improvement plan for the grantee. If the actual
20 attendance is significantly below proposed attendance at the end
21 of the second year of the grant, the department may reduce
22 funding for the grantee.

23 (ii) The department shall adjust the grant level of any school
24 within the program that is under its targeted attendance level by
25 more than 15 percent in each of two consecutive years.

26 (iii) In any year after the initial grant year, if the actual
27 attendance level of a school within the program falls below 75
28 percent of the target attendance level, the department shall
29 perform a review of the program and adjust the grant level as the
30 department deems appropriate.

31 (iv) The department shall create a process to allow a grantee to
32 voluntarily lower its annual grant amount if one or more sites are
33 unable to meet the proposed pupil attendance levels by the end of
34 the second year of the grant.

35 (v) A grantee who has had its grant amount reduced may
36 subsequently request an increase in funding pursuant to
37 paragraph (3).

38 (vi) The department may terminate the grant of any site or
39 program that does not comply with fiscal reporting, attendance
40 reporting, or outcomes reporting requirements established by the

1 department and pursuant to Section 8484. The department may
2 withhold the grant allocation for a program or site if the prior
3 grant year's fiscal or attendance reporting remain outstanding,
4 until the reports have been filed with the department.

5 (vii) Notwithstanding any other provision of this subdivision
6 or any other provision of law, the department may at any time
7 terminate the grant of any school in a program that consistently
8 fails to demonstrate measurable program outcomes pursuant to
9 Section 8484. The department may at any time terminate the
10 grant of any school within a program that has an actual
11 attendance level below 75 percent of the target attendance level
12 for three consecutive years.

13 (B) Direct grants may be awarded to applicants that have
14 demonstrated readiness to begin operation of a program or to
15 expand existing programs.

16 (C) The maximum total direct grant amount awarded annually
17 pursuant to this paragraph ~~for programs eligible pursuant to~~
18 ~~subdivision (a) of Section 8482.5 and subdivision (b) of Section~~
19 ~~8482.3~~ shall be one hundred twelve thousand five hundred
20 dollars (\$112,500) for each regular school year for each
21 elementary school and one hundred fifty thousand dollars
22 (\$150,000) for each regular school year for each middle or junior
23 high school. The superintendent shall determine the total annual
24 direct grant amount for which a site is eligible based on a
25 formula of seven dollars and fifty cents (\$7.50) per pupil per day
26 of pupil attendance that the program plans to serve, with a
27 maximum total grant of thirty-seven dollars and fifty cents
28 (\$37.50) per projected pupil per week, and a formula of seven
29 dollars and fifty cents (\$7.50) per projected pupil per day of staff
30 development, with a maximum of three staff development days
31 per year.

32 (2) For large schools, the maximum total grant amounts
33 described in paragraph (1) may be increased based on the
34 following formulas, up to a maximum amount of twice the
35 respective limits specified in paragraph (1):

36 (A) For elementary schools, multiply one hundred thirteen
37 dollars (\$113) by the number of pupils enrolled at the schoolsite
38 for the normal schoolday program that exceeds 600.

(B) For middle schools, multiply one hundred thirteen dollars (\$113) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 900.

(3) The maximum total grant amounts set forth in subparagraph (C) of paragraph (1) may be increased from any funds made available for this purpose in the annual Budget Act for participating schools that have pupils on waiting lists for the program. Grants may be increased by the lesser of an amount that is either 25 percent of the current maximum total grant amount or equal to the proportion of pupils unserved by the program as measured by documented waiting lists as of January 1 of the previous grant year, compared to the actual after school enrollment on the same date. The amount of the required cash or in-kind matching funds shall be increased accordingly. First priority for an increased maximum grant pursuant to this paragraph shall be given to schools that qualify for funding pursuant to subdivision (b) of Section 8482.55. Second priority shall be given to schools that receive funding priority pursuant to subdivision (f) of Section 8482.55.

~~(4) A school that establishes a program pursuant to this article is eligible to receive a supplemental grant to operate the program during any combination of summer, intersession, or vacation periods, or during minimum days, for a maximum of 30 percent of the total grant amount awarded to the school per school year under this subdivision. A year-round school program may apply for funds pursuant to this subparagraph for intersession periods.~~

(4) A school that establishes a program pursuant to this section is eligible to receive a supplemental grant to operate the program in excess of 180 regular school days or during any combination of summer, intersession, or vacation periods for a maximum of the lesser of the following amounts:

(A) Seven dollars and fifty cents (\$7.50) per day per pupil.

(B) Thirty percent of the total grant amount awarded to the school per school year pursuant to subparagraph (C) of paragraph (1).

(5) Each program shall provide an amount of cash or in-kind local funds equal to not less than one-third of the total grant from the school district, governmental agencies, community organizations, or the private sector. Facilities or space usage may fulfill not more than 25 percent of the required local contribution.

1 (6) (A) A grantee may allocate up to 125 percent of the
2 maximum total grant amount for an individual school, so long as
3 the maximum total grant amount for all school programs
4 administered by the program grantee is not exceeded.

5 (B) In order to be eligible for renewal, a program grantee that
6 transfers funds for purposes of administering a program
7 established pursuant to this article shall have an established
8 waiting list for enrollment, and may transfer only from another
9 school program that has met a minimum of 70 percent of its
10 attendance goal.

11 (b) The administrator of a program established pursuant to this
12 article may supplement, but not supplant, existing funding for
13 after school programs with grant funds awarded pursuant to this
14 article. State categorical funds for remedial education activities
15 shall not be used to make the required contribution of local funds
16 for those after school programs.

17 (c) Up to 15 percent of the initial year's grant amount for each
18 grant recipient may be utilized for startup costs. Under no
19 circumstance shall funding for startup costs result in an increase
20 in the grant recipient's total funding above the approved grant
21 amount.

22 (d) For each year of the grant, the department shall award the
23 total grant amount for that year not later than 30 days after the
24 date the grantee accepts the grant.

25 SEC. 23. Section 8483.75 of the Education Code is amended
26 to read:

27 8483.75. (a) (1) (A) Each school that establishes a before
28 school program component pursuant to Section 8483.1 is eligible
29 to receive a three year renewable direct grant, that shall be
30 awarded in three one-year increments and is subject to quarterly
31 attendance reporting and recertification as required by the
32 department. Those grants shall be awarded by the Superintendent
33 pursuant to this section.

34 (B) The maximum total grant amount awarded annually
35 pursuant to this paragraph shall be thirty-seven thousand five
36 hundred dollars (\$37,500) for each regular school year for each
37 elementary school and forty-nine thousand dollars (\$49,000) for
38 each regular school year for each middle or junior high school.

39 (C) The Superintendent shall determine the total annual direct
40 grant amount for which a site is eligible based on a formula of

1 five dollars (\$5) per pupil per day that the program plans to
2 serve, with a maximum total grant of twenty-five dollars (\$25)
3 per projected pupil per week.

4 (2) For large schools, the maximum total grant amounts
5 described in paragraph (1) may be increased based on the
6 following formulas, up to a maximum amount of twice the
7 respective limits specified in paragraph (1):

8 (A) For elementary schools, multiply seventy-five dollars
9 (\$75) by the number of pupils enrolled at the schoolsite for the
10 normal schoolday program that exceeds 600.

11 (B) For middle schools, multiply seventy-five dollars (\$75) by
12 the number of pupils enrolled at the schoolsite for the normal
13 schoolday program that exceeds 900.

14 (3) A school that establishes a program pursuant to this article
15 is eligible to receive a supplemental grant to operate the program
16 during any combination of summer, intersession, or vacation
17 periods for a maximum of 30 percent of the total grant amount
18 awarded to the school per school year under this subdivision.

19 (4) Each program shall provide an amount of cash or in-kind
20 local funds equal to not less than one-third of the total grant from
21 the school district, governmental agencies, community
22 organizations, or the private sector. Facilities or space usage may
23 fulfill not more than 25 percent of the required local contribution.

24 (5) (A) A grantee may allocate up to 125 percent of the
25 maximum total grant amount for an individual school, so long as
26 the maximum total grant amount for all school programs
27 administered by the program grantee is not exceeded.

28 (B) In order to be eligible for renewal, a program grantee that
29 transfers funds for purposes of administering a program
30 established pursuant to this article shall have an established
31 waiting list for enrollment, and may transfer only from another
32 school program that has met a minimum of 70 percent of its
33 attendance goal.

34 (b) The administrator of a program established pursuant to this
35 article may supplement, but not supplant, existing funding for
36 before school programs with grant funds awarded pursuant to this
37 article. State categorical funds for remedial education activities
38 shall not be used to make the required contribution of local funds
39 for those before school programs.

(c) Up to 15 percent of the initial year's grant amount for each grant recipient may be utilized for startup costs. Under no circumstance shall funding for startup costs result in an increase in the grant recipient's total funding above the approved grant amount.

(d) For each year of the grant, the department shall award the total grant amount for that year not later than 30 days after the date the grantee accepts the grant.

SEC. 24. Section 8484 of the Education Code is amended to read:

8484. (a) As required by the department, programs established pursuant to this article shall submit annual outcome based data for evaluation, including research-based indicators and measurable student outcomes for academic performance, attendance, and positive behavioral changes. The department may consider these outcomes when determining eligibility for grant renewal.

~~(1) To demonstrate program effectiveness based upon individual program focus, programs shall submit the schoolday attendance for program participants to the department on an annual basis, and one or more of the following academic measures annually:~~

~~(A) Pupil Standardized Testing and Reporting (STAR) test scores.~~

~~(B) Homework completion rates.~~

~~(C) Pupil or teacher reported academic progress.~~

(1) To demonstrate program effectiveness, grantees shall submit both of the following:

(A) Schoolday attendance on an annual basis.

(B) Program attendance.

(2) To demonstrate program effectiveness based upon individual program focus, programs shall submit one or more of the following youth resiliency measures annually:

(A) Positive behavioral changes, including, but not limited to, participant suspension rates.

(B) California Healthy Kids Survey results.

(C) Student reported sense of safety and attitudes about school, consistent with the federal annual performance reporting.

(D) Fitnessgram test results.

1 *(E) Pupil Standardized Testing and Reporting (STAR)*
2 *Program test scores.*

3 *(F) Homework completion rates.*

4 *(G) Pupil or teacher reported academic progress.*

5 *(H) Other measures developed through the process identified*
6 *in subdivision (c).*

7 (3) Programs shall submit information adopted through the
8 process outlined in subdivision (c) of Section 8421.5.

9 (b) (1) If a program consistently fails to demonstrate
10 measurable program outcomes for three consecutive years, the
11 department may terminate the program as described in
12 subdivision (e) of Section 8426. The department shall consider
13 multiple outcomes and not rely on one outcome in isolation.

14 (2) For the purposes of this section, “consistently fails to
15 demonstrate measurable program outcomes” means failure to
16 meet program effectiveness requirements pursuant to the criteria
17 in paragraphs (1) and (2) of subdivision (a).

18 (3) Measurable program outcomes may be demonstrated by,
19 but are not limited to, the following methods:

20 ~~(1)–~~

21 (A) Comparing pupils participating in the program to
22 nonparticipating pupils at the same schoolsite.

23 ~~(2)–~~

24 (B) Pupils participating in the program demonstrate
25 improvement on one or more indicators collected by the program
26 pursuant to this paragraph.

27 (4) *For the purposes of paragraph (1) of subdivision (a),*
28 *program effectiveness may be demonstrated using performance*
29 *levels from the STAR Program by any of the following:*

30 (A) *The grantee documents the percentage of pupils*
31 *performing at the far below basic level declined.*

32 (B) *The grantee documents the percentage of pupils*
33 *performing above the far below basic and below basic levels.*

34 (C) *The grantee documents the percentage of pupils who*
35 *performed at or above the basic level increased.*

36 (D) *The grantee documents pupils participating in the*
37 *program performed better in a year-to-year comparison of the*
38 *results of the STAR Program than their peers who were not*
39 *participating in the program.*

1 (c) The department shall develop standardized *measures and*
2 tools to collect the indicators in paragraphs (1) and (2) of
3 subdivision (a). *The department shall consult with the evaluation*
4 *committee of the Advisory Committee on Before and After School*
5 *Programs established pursuant to subdivision (e) to give input on*
6 *the standardized measures and tools.*

7 (d) The department shall order a statewide independent
8 evaluation of the programs funded pursuant to this article to be
9 prepared and submitted to the Legislature. The evaluation shall
10 include a comparison of outcomes for participating pupils and
11 similarly situated pupils who did not participate in a program.

12 (e) The department shall assemble an evaluation committee of
13 the Advisory Committee on Before and After School Programs
14 established pursuant to Section 8484.9 to give input on the design
15 of a statewide independent evaluation funded pursuant to this
16 article. The evaluation committee shall also give input on the
17 evaluation's research design as submitted by the awarded
18 independent agency. The evaluation committee shall include
19 researchers and evaluators from in and outside of California who
20 have expertise in the evaluation of after school initiatives, and
21 members of the Advisory Committee on Before and After School
22 Programs.

23 (f) The department shall collect annual outcome-based data for
24 a statewide independent evaluation, including research-based
25 indicators of program quality and outcome measures, including,
26 but not limited to, academic performance, school attendance, and
27 positive behavioral changes. The department shall also collect all
28 of the following:

- 29 (1) Data collected pursuant to subdivision (a).
30 (2) Data adopted through the process outlined in subdivision
31 (c) of this section and of Section 8421.5.
32 (3) Number and type of sites and grantees participating in the
33 program.
34 (4) Local partnerships.
35 (5) Student participation rates.
36 (6) Quality of program drawing on the research of the
37 Academy of Sciences on critical features of programs that
38 support healthy youth development.

39 SEC. 25. Section 8484.8 of the Education Code is amended to
40 read:

1 8484.8. In accordance with Part B of Title IV of the federal
2 No Child Left Behind Act of 2001 (P.L. 107-110), funds
3 appropriated in Item 6110-197-0890 of Section 2.00 of the
4 Budget Act of 2002 are available for expenditure as follows, with
5 any subsequent allocations for these purposes to be determined in
6 the annual Budget Act:

7 ~~(a) Up to 1.5 percent shall be available to the department for~~
8 ~~purposes of providing technical assistance, evaluation and~~
9 ~~training services, for carrying out programs related to 21st~~
10 ~~Century Community Learning Center programs.~~

11 *(a) For the 2006–07 and 2007–08 fiscal years, 5 percent of the*
12 *federal funds appropriated through this article shall be available*
13 *to the department for purposes of providing technical assistance,*
14 *evaluation, and training services, for carrying out programs*
15 *related to 21st Century Community Learning Centers programs.*
16 *For the 2008–09 fiscal year and each fiscal year thereafter, up to*
17 *1.5 percent of the federal funds appropriated through this article*
18 *shall be available to the department for purposes of providing*
19 *technical assistance, evaluation, and training services, for*
20 *carrying out programs related to 21st Century Community*
21 *Learning Centers programs.*

22 *(1) The department shall provide directly, or contract for,*
23 *technical assistance for new programs and any program that is*
24 *not meeting attendance or performance goals, or both, and*
25 *requests that assistance.*

26 *(2) (A) Training and support shall include, but is not limited*
27 *to, the development and distribution of voluntary guidelines for*
28 *physical activity programs established pursuant to*
29 *paragraph (2) of subdivision (c) of Section 8482.3, that expand*
30 *the learning opportunities of the school day.*

31 *(B) The department shall distribute these voluntary guidelines*
32 *for physical activity programs on or before July 1, 2009.*

33 *(b) (1) An amount of up to 10 percent of the total amount*
34 *appropriated pursuant to this article shall be available for direct*
35 *grants for either of the following purposes:*

36 *(A) Grants to provide equitable access and participation in*
37 *community learning center programs, in an amount not to exceed*
38 *twenty-five thousand dollars (\$25,000) per site, per year,*
39 *according to needs determined by the local community.*

(B) Grants to provide family literacy services, in an amount not to exceed twenty thousand dollars (\$20,000) per site, per year, for schoolsites that identify such a need for families of 21st Century Community Learning ~~Center~~ *Centers* program pupils, and that demonstrate a fiscal hardship by certifying that existing resources, including, but not limited to, funding for Title III of the federal No Child Left Behind Act of 2001, Chapter 3 (commencing with Section 300) of Part 1, adult education, community college, and the federal Even Start Program are not available or are insufficient to serve these families. An assurance that the funds received pursuant to this subdivision are expended only for those services and supports for which they were granted shall be required.

(2) For the purposes of subparagraph (A) of paragraph (1), the department shall determine the requirements for eligibility for a grant, consistent with the following:

(A) Consistent with the local partnership approach inherent in Article 22.5 (commencing with Section 8482), grants awarded under this subdivision shall provide supplemental assistance to programs. It is not intended that a grant fund the full anticipated costs of the services provided by a community learning center program.

(B) In determining the need for a grant pursuant to this subdivision, the department shall base its determination on a needs assessment and a determination that existing resources are not available to meet these needs, including, but not limited to, a description of how the needs, strengths, and resources of the community have been assessed, currently available resources, and the justification for additional resources for that purpose.

(C) The department shall award grants for a specific purpose, as justified by the applicant.

(3) To be eligible to receive a grant under this subdivision, the designated public agency representative for the applicant shall certify that an annual fiscal audit will be conducted and that adequate, accurate records will be kept. In addition, each applicant shall provide the department with the assurance that funds received under this subdivision are expended only for those services and supports for which they are granted. The department shall require grant recipients to submit annual budget reports, and

1 the department may withhold funds in subsequent years if direct
2 grant funds are expended for purposes other than as awarded.

3 (c) The department shall require grant recipients to submit
4 annual budget reports, and the department may withhold funds in
5 subsequent years if literacy grant funds are expended for
6 purposes other than as granted.

7 (d) Up to 40 percent of the total amount appropriated pursuant
8 to this article shall be allocated on a priority basis for direct
9 grants to community learning centers serving high school pupils
10 funded pursuant to Section 8421, and the remaining funds in Item
11 6110-197-0890 of Section 2.00 of the Budget Act of 2002 shall
12 be allocated on a priority basis for programs for middle and
13 elementary school pupils. The administrators of a program
14 established pursuant to this article have the option of operating
15 during any combination of summer, intersession, or vacation
16 periods for a minimum of three hours per day for the regular
17 school year pursuant to Section 8483.7. Grantees administering
18 comprehensive programs established pursuant to Section 8482.3
19 are also eligible for funding for summer, intersession, or vacation
20 periods pursuant to this section.

21 (e) Grant awards under this section shall be restricted to those
22 applications that propose primarily to serve pupils that attend
23 schoolwide programs, as described in Title I of the federal No
24 Child Left Behind Act of 2001. Competitive priority shall be
25 given to applications that propose to serve children and youth in
26 schools designated as being in need of improvement under
27 subsection (b) of Section 6316 of Title 20 of the United States
28 Code, and that are jointly submitted by school districts and
29 community-based organizations. Applications to serve pupils in
30 programs that have received grants under Article 22.5
31 (commencing with Section 8482) shall be funded only when
32 proposing to expand in additional sites or to add pupils to a
33 currently funded site.

34 (f) (1) Core funding grants for programs serving middle and
35 elementary school pupils in before and after school programs
36 shall be allocated under subparagraph (C) of paragraph (1) of,
37 and paragraphs (4), (5), and (6) of, subdivision (a) of Section
38 8483.7.

39 (2) (A) Funding for a grant shall be allocated in annual
40 increments for a period not to exceed five years, subject to

1 annual reporting and recertification as required by the
2 department. The department shall establish a payment system to
3 accommodate upfront payments. The department shall notify
4 new grantees, whose grant awards are contingent upon the
5 appropriation of funds for those grants, in writing no later than
6 June 15 of each year in which new grants are awarded. A first
7 year grant award shall be made no later than 60 days after
8 enactment of the annual Budget Act and any authorizing
9 legislation. A grant award for the second and subsequent fiscal
10 years shall be made no later than 30 days after enactment of the
11 annual Budget Act and any authorizing legislation. The grantee
12 shall notify the department in writing of its acceptance of the
13 grant.

14 (B) For the first year of a grant, the department shall allocate
15 15 percent of the grant for that year no later than 30 days after
16 the grantee accepts the grant. For the second and subsequent
17 years of the grant, the department shall allocate 15 percent of the
18 grant for that year no later than 30 days after the annual Budget
19 Act becomes effective.

20 (C) Under no circumstance shall funding made available
21 pursuant to subparagraph (B) result in an increase in the total
22 funding of a grantee above the approved grant amount.

23 (3) A grantee shall identify the federal, state, and local
24 programs that will be combined or coordinated with the proposed
25 program for the most effective use of public resources, and shall
26 prepare a plan for continuing the program beyond federal grant
27 funding.

28 (4) A grantee shall submit quarterly attendance data and
29 results to facilitate evaluation and compliance in accordance with
30 provisions established by the department.

31 (5) A program receiving a grant under this subdivision is not
32 assured of grant renewal from future state or federal funding at
33 the conclusion of the grant period.

34 (g) A total annual grant award for core funding and direct
35 grants for a site serving elementary or middle school pupils shall
36 be fifty thousand dollars (\$50,000) per year or more, consistent
37 with federal requirements.

38 (h) Grants for programs serving high school pupils at
39 schoolsites or sites of other organizations, as determined to be
40 eligible by the department and consistent with the provisions of

1 the 21st Century Community Learning Centers program, shall be
2 available as an annual minimum grant of fifty thousand dollars
3 (\$50,000) per year. Grant funding above the minimum shall be
4 determined by factors including, but not limited to, proposed
5 attendance and effective use of resources as determined by the
6 department up to two hundred fifty thousand dollars (\$250,000)
7 per year for five years. A grantee that establishes a high school
8 program pursuant to this subdivision shall be subject to annual
9 reporting and recertification as required by the department. After
10 the second year, the department shall reduce funding of programs
11 in which actual attendance is significantly below proposed
12 attendance levels. An evaluation of the program funded pursuant
13 to this subdivision shall be submitted no later than 180 days after
14 the completion of the second year of the program. The
15 department shall provide the results of that evaluation and work
16 with the Legislature, the Department of Finance, program
17 providers, and other interested parties to adopt or restructure a
18 high school after school program for California that is both
19 programmatically and fiscally sound. Grantees shall be eligible
20 for fourth and fifth year funding consistent with the restructured
21 requirements. Each grantee shall be required to identify the
22 federal, state, and local programs that will be combined or
23 coordinated with the proposed program for the most effective use
24 of public resources and to describe a plan for continuing the
25 program beyond federal grant funding. Grantees shall be required
26 to submit annual attendance data results to facilitate evaluation
27 and compliance with provisions established by the department.
28 Programs receiving grants under this subdivision are not assured
29 of grant renewal from future state or federal funding at the
30 conclusion of the grant period.

31 (i) Notwithstanding any other provision of law, and contingent
32 upon the availability of funding, the department may adjust the
33 core grant cap of any grantee based upon one or both of the
34 following:

35 (1) Amendments made to this section by Chapter 555 of the
36 Statutes of 2005.

37 (2) The demonstrated pupil attendance pattern of the grantee.
38 The department may adjust grant awards pursuant to
39 subparagraph (A) of paragraph (1) of subdivision (a) of Section
40 8483.7.

1 (j) Funds received but unexpended under this article may be
2 carried forward to subsequent years consistent with federal
3 requirements. In year one, the full grant may be retained.

4 (k) If funds remain after all of the priority allocations required
5 pursuant to subdivisions (b), (c), and (d) have been made, the
6 department may use that money to fund additional qualified grant
7 applications under those provisions, in order to ensure that all
8 federal funds received for these purposes are expended for these
9 purposes.

10 (l) This article shall be operative only to the extent that federal
11 funds are made available for the purposes of this article. It is the
12 intent of the Legislature that this article not be considered a
13 precedent for general fund augmentation of either the state
14 administered, federally funded program of this article, or any
15 other state funded before or after school program.

16 SEC. 26. The Legislature finds and declares that this act
17 furthers the purposes of the After School Education and Safety
18 Program Act of 2002.

19 SEC. 27. The costs incurred as a result of the amendments to
20 the After School Education and Safety Program Act of 2002
21 made by this act shall be funded only from appropriations made
22 pursuant to Section 8483.5 of the Education Code.

23 SEC. 28. *This act is an urgency statute necessary for the*
24 *immediate preservation of the public peace, health, or safety*
25 *within the meaning of Article IV of the Constitution and shall go*
26 *into immediate effect. The facts constituting the necessity are:*

27 *In order to implement the Budget Act of 2006–07 at the earliest*
28 *possible time, it is necessary that this act take effect immediately.*